IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 5899 of 1995

Between:

S.Radhakrishnaiah S/o Venkataswami
R/o.Yathanuru Village, Venkatagiri Mandal, Nellore district

..... PETITIONER

AND

1 The Secretary, Dept of Revenue, Government of A.P
Secretariat Buildings, Hyderabad.
2 State of A.P., rep by the District Collector Nellore, Nellore Dist
3 Mandal Revenue Officer, Venkatagiri Nellore Dist
4 Manager, B.H.E.L., Hyderabad. A.P

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, Order or Direction more particularly a writ in the nature of Certiorari calling for records relating to the impugned proceedings of the District Collector, Nellore issued in RC.C5/8757/91 dated 9/3/1995 and setting it aside as arbitrary, un-warranted ,illegal and un-constitutional and consequently directing the respondents to revoke the impugned the proceedings and stop all further action against the petitioner in pursuance thereof.

Counsel for the Petitioner: Mr.T.LAKSHMI NARAYANA

Counsel for the Respondent Nos.1to3: G.P. for Revenue

Counsel for the Respondent No.4: MR.K.L.N.RAO

The Court made the following ORAL ORDER:

The mother of the petitioner belongs to Yanadi caste (Scheduled Tribe) and married one S. Venkataswamy, who belongs to Muthrasi caste (Backward class community). From his childhood, the petitioner was treating as belongs to ST community and later he got a job in B.H.E.L., Hyderabad. While so, on an unanimous petition, the third respondent requested the second respondent to enquire into with regard to the social status of the petitioner. The Sub-Collector, Gudur, conducted the enquiry and recorded the statements of Village Administrative Officer, Village Servant, Sarpanch, and all other officials and confirmed the caste of the petitioner as Muthrasi. Accordingly, the second respondent issued proceedings dated 09.03.1995 cancelling the caste certificate issued by the Mandal Revenue Officer and the Tahasildar of Vekatagiri village. Challenging the same, the writ petition is filed.

Learned counsel for the petitioner submits that the second respondent ought to have considered the report of the Mandal Revenue Officer dated 14.09.1993 holding that the petitioner belongs to Yanadi caste, which falls under S.T. community. He further submits that the proceedings of the second respondent are liable to be set aside.

Heard learned counsel on either side.

Having heard the learned counsel on both sides and having perused the material available on record, it is evident that the Sub-Collector, Gudur, conducted enquiry with regard to the social status of the petitioner and recorded the statements of revenue officials, who stated that Venkataswamy got two wives. He also recorded

the statement of Venkataswamy, father of the petitioner. He stated that he got intimacy with a girijan lady viz. Penchalamma and blessed with the petitioner and after the death of said Penchalamma, he admitted the petitioner in S.T.Boys Hostel at Srikalahasti. He further stated that he was never with his family and the petitioner has completed his ITI and got job in BHEL in the year 1987. The impugned order also shows that there is no evidence to show that the said Radhakrishna is born to Penchalamma, girijan woman. But, however, the Village Servant in his statement dated 01.03.1993 stated that the said Venkataswamy had a son by name Radhakrishna but he did not furnish his family particulars.

The enquiry of the Revenue Officer, Nellore shows that the entire case arises on the birth of the said Radhakrishna to the girijan lady by name Penchalamma and there is no documentary evidence as such to prove the same. As the matter involves the question of fact and also the evidence, this Court cannot interfere with the same, in exercise of its jurisdiction, under Article 226 of the Constitution of India.

The writ petition is accordingly, dismissed. No costs.

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T. Meena Kumari, J

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To

1 The Secretary, Dept of Revenue, Government of A.P
Secretariat Buildings, Hyderabad.
2 The District Collector, State of A.P., Nellore Dist
3 Mandal Revenue Officer, Venkatagiri Nellore Dist
4 Two CCs to G.P. for Revenue, High Court of A.P. Buildings,
Hyderabad(OUT)

5 Two CD Copies